IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 25647 of 2004(C)

PETITIONER:

THOTTOTH BROTHERS, URUMBANKUNNU, P.O. ALOOR-680 683, THRISSUR DISTRICT, REP. BY ITS PARTNER, ANIL P. MENON, S/O.M. PADMANABHA MENON, AGED 34 YEARS, RESIDING AT KUZHOOR, MALA, THRISSUR DISTRICT.

BY ADV. SRI.JIJO PAUL
SRI.BABU S. NAIR

RESPONDENTS:
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1. ALOOR GRAMA PANCHAYATH, REPRESENTED BY THE SECRETARY (SPECIAL GRADE), ALOOR GRAMA PANCHAYATH OFFICE, P.O. KALLETTUMKARA, THRISSUR DISTRICT.

2. THE KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS MEMBER SECRETARY, PATTOM P.O., TRIVANDRUM.

3. THE KERALA STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE, THRISSUR, REPRESENTED BY THE ENVIRONMENTAL ENGINEER, THOTTEKKATTU LANE, POONKUNNAM, THRISSUR-2.

***4. PAUL A.T., S/O. THOMAS, AGED 39, ARUKKADAN HOUSE, ALOOR VILLAGE, URUMABKUNNU DESOM, MUKUNDAPURAM TALUK.**

5. PAUL A.K., S/O. AREEKAT KOCHU VARKEY,
AREEKKAT HOUSE, ALOOR VILLAGE,
URUMBANKUNNU DESOM, MUKUNDAPURAM TALUK.

***ADDL. R4 AND R5 ARE IMPLEADED AS PER ORDER DATED 20/10/2004 IN IA NO. 13038/2004.**

R1 BY ADV. SRI.K.RAMAKUMAR
SRI.T.RAMPRASAD UNNI
SRI.T.N.MANOJ -- R4 AND R5
SRI.DINESH R.SHENOY
SMT.K.K.THULASY BHAI,SC,POLLUTION C.BOA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 25647/2004 C

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE CONSENT NO. W/08/134/2002 DT. 7/10/2002.

EXT.P2. COPY OF THE LICENCE DT. 18/07/2003 BY THE RESPONDENT FOR SETTING UP THE UNIT.

EXT.P3. COPY OF THE RECEIPT EVIDENCING THAT THE PETITIONER HAS REMITTED THE APPLICATION FEE FOR RENEWAL OF THE LICENCE.

EXT.P4. COPY OF THE NOTICE NO. B5/07/2004 DT. 6/7/04 BY THE SECRETARY OF THE R1.

EXT.P5. COPY OF THE REPLY DT. 13/07/2004 BY THE PETITIONER.

EXT.P6. COPY OF THE CLOSURE NOTICE BY THE R1.

EXT.P7. COPY OF THE WRIT PETITION WAS DISPOSED OF VIDE JUDGMENT DT. 16/7/2004.

EXT.P8. COPY OF THE APPEAL BEFORE THE PANCHAYAT, DT. 24/7/2004.

EXT.P9. COPY OF THE NOTICE ISSUED BY THE PANCHAYAT DT. 09/08/2004 DIRECTING THE PETITIONER.

EXT.P10. COPY OF THE LETTER DT. 11/08/2004 BY THE PETITIONER TO THE SECRETARY OF THE PANCHAYAT.

EXT.P11. COPY OF THE PROJECT REPORT FOR THE INSTALLATION OF THE EFFLUENT TREATMENT PLANT PREPARED BY THE ENVIRONCHEM LABORATORIES (P) LTD. FOR SETTING UP OF THE PLANT.

EXT.P12. COPY OF THE COMMUNICATION MADE BY ENVIROCHEM LABORATORIES (P) LTD. DT. 18/08/2004.

EXT.P13. COPY OF THE LETTER INTIMATING THAT THE INSTALLATION OF THE PLAINT IS COMPLETE ISSUED TO THE SECRETARY OF THE PANCHAYAT DT. 09/08/2004.

EXT.P14. COPY OF THE INTIMATION MADE BY THE R3.

EXT.P15. COPY OF THE MINUTES OF THE MEETING DULY SIGNED BY ALL THE PARTIES.

EXT.P16. COPY OF THE ORDER NO. B5/07/04 DT. 31/08/2004.

EXT.P17. COPY OF THE RESOLUTION PASSED BY THE PANCHAYAT DT. 24/08/2004.

EXT.P18. COPY OF THE APPLICATION DT. 31/08/2004.

EXT.P19. COPY OF THE REPLY DT. 31/08/2004.

RESPONDENT'S EXHIBITS

EXT.R1A. COPY OF THE DECISION DT. 1/10/2004 BY ALOOR GRAMA PANCHAYAT.

EXT.R1B. COPY OF THE ORDER NO. BS. 07104 DT. 08/10/2004 BY THE SECRETARY, ALOOR GRAMA PANCHAYAT TO SRI. T.NARAYANAN MANAGING PARTNER, THOTTOTH BROTHERS.

True copy

tga

KURIAN JOSEPH, J.

W.P. (C) NO. 25647 OF 2004

Dated this the 6th day of June, 2007.

J U D G M E N T

This writ petition is filed praying for a direction to the first respondent Panchayath to permit the petitioner to continue his industrial unit. There is already a direction to dispose of Exhibit P8. In case the petitioner has any surviving grievances, he may pursue the same in appropriate proceedings.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp